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Economic and Social Council

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Committee on Economic, Social and Cultural Rights

Concluding observations on the second periodic report of Lithuania*

1. The Committee on Economic, Social and Cultural Rights considered the second periodic report of Lithuania on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/LTU/2) at its 13th and 14th meetings (E/C.12/2014/SR.13–14), held on 6 May 2014, and adopted at its 40th meeting, held on 23 May 2014, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the second periodic report by Lithuania (E/C.12/LTU/2), which reflects the State party's effort to implement the provisions in the Covenant and the recommendations made by the Committee in its previous concluding observations in 2004 (E/C.12/1/Add.96). The Committee also appreciates the written replies to its list of issues (E/C.12/LTU/Q/2/Add.1) as well as the frank and constructive dialogue with the State party's delegation.

B. Positive aspects

3. The Committee welcomes the ratification by the State party of the following international human rights instruments:

(a) Convention on the Rights of Persons with Disabilities and its Optional Protocol, in May 2010;

(b) Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, in August 2004;

(c) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in August 2004.

4. The Committee also welcomes the ratification by the State party of the following international instruments:

(a) Convention on the Reduction of Statelessness, in 2013;

* Adopted by the Committee at its fifty-second session (28 April–23 May 2014).

(b) Maritime Labour Convention 2006, in 2013;

(c) WHO Framework Convention on Tobacco Control, in 2004.

5. The Committee notes with appreciation the measures taken by the State party to promote the enjoyment of economic, social and cultural rights, including:

(a) The adoption of the 2008 Law on Equal Treatment, which expanded the list of prohibited grounds for discrimination by six additional grounds and now includes age, sex, sexual orientation, disability, racial or ethnic origin, religion, beliefs, convictions, language, nationality, social status, and views; and

(b) Granting access to health care and social assistance for persons with subsidiary protection, on the same basis as for nationals, following amendments to the Law on Cash Social Assistance for Poor Residents in January 2012 and to Health Insurance Law No. XII-526 in October 2013.

C. Principal subjects of concerns and recommendations

National human rights institution

6. The Committee, while noting the establishment of a working group in 2011 to draft a law to extend the competence of the parliamentary Ombudsmen, regrets the lack of progress in establishing a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) (art. 2).

The Committee reiterates its previous recommendation that the State party establish a national human rights institution with a broad human rights mandate, including economic, social and cultural rights, with adequate financial and human resources, in accordance with the Paris Principles (General Assembly resolution 48/134), and taking into account the Committee's general comment No. 10 (1998) on the role of national human rights institutions in the protection of economic, social and cultural rights.

Social exclusion of and discrimination against Roma

7. The Committee remains concerned at the lack of progress achieved in addressing the social exclusion of Roma and discrimination against Roma in the enjoyment of their rights under the Covenant, particularly in the areas of housing, health, employment and education. While noting the adoption of various programmes and action plans on the integration of Roma, the Committee regrets the lack of resources allocated for their effective implementation, particularly between 2008 and 2010 (art. 2).

Noting that the State party will adopt a new Roma integration strategy in 2015, the Committee urges the State party to ensure that:

(a) The strategy contains concrete objectives and benchmarks and a regular monitoring and evaluation mechanism to periodically assess the results obtained in improving the socioeconomic situation of Roma, particularly in the areas of housing, health, employment and education;

(b) Adequate financial and human resources are allocated for its implementation; and

(c) Members of the Roma community actively participate in its design, implementation and evaluation, as rights-holders.

Non-discrimination

8. The Committee is concerned at the situation of individuals in the State party who face discrimination in their enjoyment of the rights guaranteed under the Covenant on the grounds of sexual orientation or gender identity, including access to health-care services such as gender reassignment surgery. The Committee also regrets the lack of information on measures taken to combat and prevent discrimination on the basis of sexual orientation, particularly in respect of access to employment, health care and education (arts. 2 and 12).

The Committee encourages the State party to take effective measures to ensure that lesbian, gay, bisexual and transgender persons can enjoy their economic, social and cultural rights without discrimination, including access to health care, employment and education, and that legal recognition of their gender is not dependent on whether or not they have undergone gender reassignment surgery.

Gender pay gap

9. The Committee remains concerned that, despite the adoption of the third National Programme for Equal Opportunities for Women and Men (for 2010–2014), the gender pay gap continues to persist due to the underrepresentation of women in high-level positions, particularly in the private sector (art. 3).

The Committee recommends that the State party:

(a) Intensify its efforts to combat traditional gender stereotypes and promote the pursuit of education and training in fields other than those traditionally dominated by one or the other sex; and

(b) Promote women's access to high-level positions in the public and private sectors, including by adopting and implementing temporary special measures, and address obstacles to their career advancement, including by providing sufficient opportunities to reconcile work and family obligations.

Social security

10. The Committee expresses its concern that the levels of the minimum wage and of unemployment benefits, pensions and social assistance in the State party are inadequate to ensure a decent standard of living for the recipients and members of their families (arts. 6, 7 and 9).

The Committee recommends that the State party raise the levels of social benefits and establish an effective system of indexation and regular adjustment of the minimum wage, unemployment benefits, pensions and other forms of social assistance in relation to the cost of living in order to guarantee a decent standard of living for the recipients and members of their families. It also reiterates its previous recommendation that the State party ratify International Labour Organization (ILO) Convention No. 102 (1952) concerning Minimum Standards of Social Security and ILO Convention No. 118 (1962) concerning Equality of Treatment of Nationals and Non-Nationals in Social Security.

Unemployment

11. The Committee is concerned that youth unemployment remains twice as high as the total national unemployment level, and that unemployment among persons over 50 years of age is increasing. Additionally, while noting the implementation of projects to increase employment in rural areas, the Committee is concerned at the increasing regional gap with regard to unemployment (art. 6).

The Committee reiterates its previous recommendation that the State party continue and strengthen its efforts to combat unemployment, targeting the most affected regions and disadvantaged and marginalized groups. In that regard, the Committee notes the adoption of the Employment Increasing Programme for 2014 to 2020 to promote the creation of jobs in regions with high unemployment, and requests that the State party provide information on the progress achieved in its next periodic report.

Persons with disabilities

12. While welcoming the adoption of the Law on Social Enterprises to provide incentives to employers to hire persons belonging to disadvantaged groups, including persons with disabilities, the Committee remains concerned at the low employment rate of persons with disabilities, including those who have completed vocational rehabilitation programmes. It also expresses concern at the limited opportunities for persons with disabilities to participate in such programmes, noting that only 0.3 per cent of persons with disabilities in the State party participated in a vocational rehabilitation programme in 2013 (arts. 2 and 6).

The Committee recommends that the State party (a) increase the availability and effectiveness of vocational rehabilitation programmes for persons with disabilities; (b) increase its efforts to provide adequate incentives to employers in a wide range of sectors to employ persons with disabilities; and (c) strengthen the system of job quotas for persons with disabilities.

Working conditions

13. The Committee remains concerned at the increasingly high number of occupational accidents, including some fatal accidents, and regrets the lack of information provided by the State party concerning sanctions imposed on employers for failing to provide safe and healthy working conditions (art. 7).

The Committee reiterates its previous recommendation that the State party take effective measures to prevent occupational accidents, including by strengthening the labour inspectorate in order to ensure that employers who fail to observe safety regulations are sanctioned. The Committee requests that the State party provide, in its next periodic report, detailed information on measures taken in this regard, including on the nature of the sanctions imposed on employers for failing to provide safe and healthy working conditions, disaggregated by sector.

Corporal punishment and violence against children

14. The Committee expresses its concern that corporal punishment continues to be practised as a means of discipline, particularly in the home, and that violence against children is increasing, particularly in urban areas (art. 10).

The Committee recommends that the State party proceed swiftly with the adoption of legislation prohibiting the use of corporal punishment in all settings, and take effective measures to raise awareness among the public against the use of violence against children, including corporal punishment.

Domestic violence

15. While noting the adoption of the Law on Protection against Domestic Violence, in December 2011, the Committee reiterates its concern at the high incidence of domestic violence, the low rates of prosecution, and the absence of effective measures to protect victims (art. 10).

The Committee calls upon the State party to intensify its efforts to combat domestic violence, including by:

(a) Strengthening efforts to raise awareness among law enforcement officials and relevant professionals on the criminal nature of domestic violence, as well as among the public at large, including through a campaign of zero tolerance that makes such violence unacceptable;

(b) Ensuring that all cases of violence against women are effectively investigated, that perpetrators are brought to account, and that victims have access to remedies as well as to protection, including in rural areas; and

(c) Allocating sufficient human and financial resources to ensure the effective implementation of the Law on Protection against Domestic Violence.

Trafficking in persons

16. The Committee is concerned that the State party remains a source, transit and destination country for the trafficking of women and girls for sexual exploitation, despite the measures adopted by the State party, which include the establishment in 2006 of the specialized Department for Trafficking in Human Beings Investigation, within the Criminal Police Bureau. It also regrets the lack of information on the extent of the problem, including on trafficking of men for forced labour. The Committee further expresses its concern that funding for programmes to combat trafficking remains at a low level, and that support to non-governmental organizations providing assistance to victims of trafficking is insufficient (art. 10).

The Committee urges the State party to strengthen its efforts to combat trafficking in persons, including by increasing the capacity of law enforcement officers to identify victims of trafficking, training members of the judiciary, and allocating sufficient resources to provide effective protection and assistance to victims. It reiterates its previous recommendation that the State party provide, in its next periodic report, comparative statistical data indicating the extent of trafficking in the State party, as well as detailed information on the number of investigations undertaken, the number of prosecutions of trafficking-related cases and the number of convictions of perpetrators, and on remedies provided to victims in relation to all forms of trafficking, including trafficking of men for forced labour.

Right to housing

17. The Committee expresses its concern that, despite the measures taken to improve housing standards, such as the Rural Development Programme, more than 29 per cent of conventional dwellings in the State party still lack access to basic facilities and amenities, such as hot water, a bath or shower, a toilet, piped water, sewerage and heating. It also expresses its particular concern at the housing situation of marginalized and disadvantaged groups, including the high number in the Roma population who do not have access to hot water, sewerage, a bathtub, a shower or a toilet, and the increasing number of homeless persons seeking shelter. The Committee further expresses its concern at the acute shortage of social housing, with an average waiting time of 10 to 15 years (arts. 2 and 11).

The Committee urges the State party to ensure that its national housing policy prioritizes the needs of marginalized and vulnerable groups who lack access to adequate housing and basic facilities and amenities, such as low-income families, homeless persons and Roma, and to allocate sufficient resources for its effective implementation. In particular, the Committee calls upon the State party to proceed swiftly with its commitment to legalize the Kirtimai settlement in Vilnius without further delay, so as to ensure the right to adequate housing for the Roma population

concerned. It further draws the attention of the State party to its general comment No. 4 (1991) on the right to adequate housing, its general comment No. 15 (2002) on the right to water, and its statement on the right to sanitation (E/C.12/2010/1).

Poverty

18. The Committee is concerned that 28.4 per cent of the population is at risk of poverty, that the level of poverty is especially acute among children and in rural areas, and that if no social benefits were paid, half of the population would live below the poverty threshold (arts. 10 and 11).

The Committee urges the State party to intensify its efforts to combat poverty with a view to empowering individuals and communities, especially among the most disadvantaged and marginalized groups, as outlined in the Committee's statement concerning poverty and the International Covenant on Economic, Social and Cultural Rights (E/C.12/2001/10). It also recommends that the State party develop an effective monitoring system to ensure that measures to combat poverty lead to concrete results among the most disadvantaged and marginalized groups and reduce regional disparities between rural and urban areas.

Right to food

19. While welcoming the priority given by the State party to increasing food quality, which includes the promotion of organic farming and locally made products, the Committee expresses its concern that a substantial part of the population is obese, particularly women (art. 11).

The Committee encourages the State party to continue and to strengthen its efforts to promote healthy, balanced and environmentally sustainable eating habits among all segments of the population, and to establish a monitoring mechanism to assess the impact of such measures on reducing the obesity rate, taking into account the Committee's general comment No. 12 (1999) on the right to adequate food.

Mental health

20. The Committee remains concerned that despite the adoption of the National Mental Diseases Prevention Programme and the Suicide Prevention Programme, the suicide rate remains high, particularly among men of working age in rural areas. It also expresses its concern at the increasing prevalence of mental health issues, such as affective disorders, schizophrenia and alcohol-related psychosis, and at the high rate of mental health problems observed among 41.7 per cent of school-age children. It notes with concern that bullying among schoolchildren remains high (art. 12).

The Committee urges the State party to identify and to address effectively the root causes of the prevalence of and increase in mental health problems, including by increasing the availability, accessibility and quality of professional mental health-care services and skilled personnel. The Committee also recommends that the State party develop community-based services, including peer support and other alternatives to the medical model, for persons with psychosocial problems, and that it allocate the necessary financial and human resources for the effective functioning of these services.

Health care

21. The Committee expresses its concern at the lack of effective measures taken by the State party to reduce the risk of transmission of blood-borne viruses such as HIV and hepatitis C among marginalized groups, such as prisoners and persons who inject drugs. It

also notes with concern that access to harm reduction services and to opioid substitution therapy is limited and declining, due to lack of financing, despite their effectiveness in improving the health and living conditions of persons experiencing drug dependence (art. 12).

The Committee recommends that the State party take effective measures to guarantee the right to health care among marginalized groups such as prisoners and persons who inject drugs, including access to State-funded HIV testing and opioid substitution therapy, and that it ensure that adequate funding is allocated to finance such services.

Abortion

22. The Committee is concerned at the increasing rate of abortion among girls and young women between 15 and 19 years of age (art. 12).

The Committee calls upon the State party to provide age-appropriate sex and reproductive health education to boys and girls, including information on contraceptive methods. The Committee recommends that the State party intensify its efforts to ensure the availability and accessibility of contraceptives, for women and men, including adolescents, particularly in rural areas, and for marginalized and disadvantaged groups.

Right to education

23. The Committee expresses its concern at the gap in student achievement between urban and rural areas, and regrets the lack of disaggregated and comparative data on enrolment and dropout rates among schoolchildren that was requested in its previous concluding observations. It also expresses its concern that the amendments to the Law on Education adopted in March 2011 have led to restrictions on the use of national minority languages in State-funded national minority schools and in the State examination. The Committee further expresses its concern at the situation of Roma, particularly with regard to their low educational attainment, high dropout rates, and placement in special education schools (arts. 2, 13 and 14).

The Committee recommends that the State party:

(a) Identify the causes of the gap in student achievement between rural and urban areas and take effective measures in this regard;

(b) Establish a data collection mechanism to monitor effectively the dropout rates among schoolchildren, with a view to identifying the causes and ensuring that children complete their primary and secondary education;

(c) Ensure that national minorities are able to enjoy their right to education in their own language, including by amending the provisions of the Law on Education that have led to restrictions on the use of national minority languages in State-funded national minority schools, including when taking State examinations;

(d) Take effective measures, including temporary special measures, to ensure that all Roma children complete their basic education, including through awareness-raising campaigns among the Roma community concerning the importance of education to the future well-being of children; and

(e) Ratify the UNESCO Convention against Discrimination in Education.

National minorities

24. The Committee is concerned at the lack of a legal framework for the protection of the rights of national minorities in the State party following the abrogation of the Law on

National Minorities of 1989 in January 2010. It also expresses its concern that following the dismantling in 2009 of the Department of National Minorities and Lithuanians Living Abroad, responsibility for national minority issues has been divided among various ministries, and that no effective coordinating body has been established (arts. 2 and 15).

The Committee recommends that the State party expedite the process for adopting the new Law on National Minorities, and that in the interim, it take effective measures to fully protect the rights of all national minorities, including their language, religion, culture and identity, and including the use of their names in their original form. The Committee also recommends that the State party establish an effective entity within the Ministry of Culture for effective coordination of national minority issues.

Access to the Internet

25. While noting that more than 60 per cent of the population has access to the Internet, the Committee expresses its concern that, among marginalized and vulnerable groups and in rural areas, such access is limited (art. 15).

The Committee recommends that the State party continue to expand the availability of the Internet throughout the country, and that it facilitate access to the Internet, and to other scientific and technological advances, for disadvantaged and marginalized groups, in order to enhance their enjoyment of economic, social and cultural rights.

D. Other recommendations

26. **The Committee encourages the State party to increase the level of its contribution of official development assistance, which stood at 0.13 per cent of gross national income in 2012, and to achieve the international commitment of 0.7 per cent as expeditiously as possible.**

27. **The Committee encourages the State party to consider signing and ratifying the Optional Protocol to the Covenant.**

28. **The Committee encourages the State party to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.**

29. **The Committee encourages the State Party to submit an updated version of its common core document, in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted by the fifth inter-committee meeting of the human rights treaty bodies, held in June 2006 (HRI/MC/2006/3).**

30. **The Committee requests the State party to disseminate the present concluding observations widely among all levels of society, in particular among officials, the judiciary and civil society organizations, to translate and publicize them as far as possible, and to inform the Committee on the steps taken to implement them in its next periodic report. It also encourages the State party to continue engaging with the parliamentary Ombudsmen, non-governmental organizations and other members of civil society in the process of discussion at the national level prior to the submission of its next periodic report.**

31. **The Committee requests the State party to submit its third periodic report, prepared in accordance with the Committee's revised reporting guidelines adopted in 2008 (E/C.12/2008/2), by 30 May 2019.**